ANNUAL REPORT

for the fiscal year
ending March 31, 1986

Department of Labour and Manpower

ISSN 0825-0642

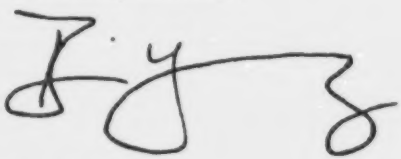
To His Honour

The Honourable Alan R. Abraham, C.D.
Lieutenant-Governor of Nova Scotia

Sir:

I have the honour to submit herewith the annual report of the Department of Labour and Manpower for the fiscal year ending March 31, 1986.

Respectfully submitted,



Brian Young
Minister of Labour and Manpower

To the Honourable Brian Young
Minister of Labour and Manpower

Sir:

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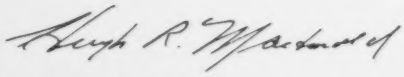

H.R. Macdonald
Deputy Minister

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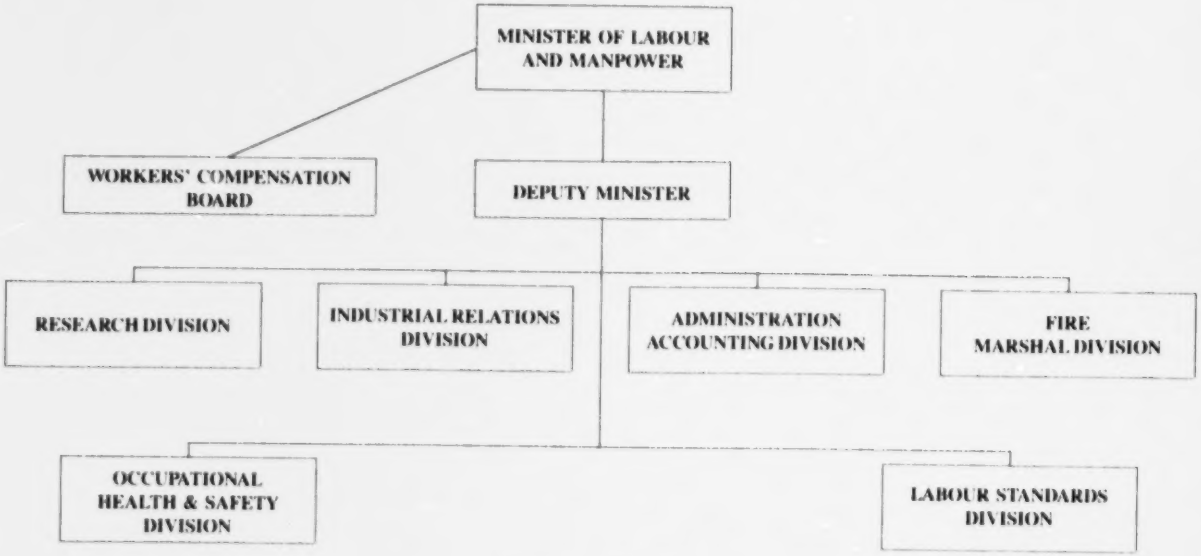
ORGANIZATION OF THE DEPARTMENT OF LABOUR AND MANPOWER*



*TOTAL PERSONNEL EXCLUDING PART-TIME BOARDS AND COMMISSIONS— 115

ADMINISTRATIVE PERSONNEL

Office of the Minister and Deputy Minister

Minister ..... Hon. Brian Young
Deputy Minister ..... H.R. Macdonald
Assistant to the Deputy Minister ..... P.F. Langlois

Administration and Accounting Division

Director of Office Services ..... P.G. Horne

Industrial Relations Division

Director of Conciliation Services ..... W. McCallum

Research Division

Director ..... Jean Dobson

Occupational Health and Safety Division

Executive Director ..... Jack Noonan
Director, Occupational Safety Section ..... D.D. Todd
Director, Occupational Health Section ..... T. Mejzner
Director, Mine Safety Inspection and Mine Rescue Section . Walter Fell
Director, Accident Prevention Section ..... Jack Herbin

Labour Standards Division

Director ..... A.R. Mitchell

Office of the Fire Marshal

Fire Marshal ..... C. Findlay

Stationary Engineers Board

Chairman	C.W. Purcell
Inspector-Examiner	K.W. Daniels
Members	R.I. McNabb
	A.B. Hill
	F.J. MacDonald
	W.C. Harris

Labour Relations Board

Chairman	Judge R.J. McCleave
Vice-Chairman	P.E. Darby
Chief Executive Officer	K.H. Horne
Members	D.G. Burchell
	A.R. Harrington
	L.F. McKay
	M. McIntyre
Alternate Members	W.H. Tidmarsh
	P. O'Brien
	P. Landry
	J.G. Boudreau
	F.J. Creaser
	J.G. MacDonald
	E.M. MacNeil

Construction Industry Panel—Labour Relations Board

Chairman	Judge R.J. McCleave
Vice-Chairman	P.E. Darby
Chief Executive Officer	K.H. Horne
Members	F.J. Creaser
	E.M. MacNeil
Alternate Members	J.G. MacDonald
	D. MacDonald, Jr.
	A. Rafuse
	D.G. Burchell
	A.R. Harrington
	L.F. McKay
	C. "Mark" Cleary

Labour Standards Tribunal

Chairman	Stephen Mont
Executive Officer	G. Ross
Members	M.H. Martell
	Ann Hebb
Alternate Member	Cheryl Taylor

Minimum Wage Board

Chairman	John McIntyre
Members	F. Belshaw
	D. Cook
	G. Davis
	A. Meisner
	B. Ross

INTRODUCTION

The Nova Scotia Department of Labour and Manpower marked 54 years of service to labour, management, and the general public on March 31, 1986.

The Act that established a department of the government of Nova Scotia called the Department of Labour, to be presided over by the Minister of Labour, was passed March 31, 1932. The annual report for the first year's operation of the Department included reports of the Minimum Wage Board, Employment Services Office, and Supervisor of Unemployment Relief. Of those three, only the Minimum Wage Board remains today.

The Department was assigned additional responsibilities of manpower training in 1981 with the proclamation of An Act to Provide for a Department of Labour and Manpower. The new legislation also changed the Department's name to the Department of Labour and Manpower.

In November 1985 the Manpower Section was transferred from the Department of Labour and Manpower and combined with the Vocational and Technical Training portion of the Department of Education to form the new Department of Human Resources, Development and Training. That department's activities are to be contained in its own annual report.

The Department of Labour and Manpower retained the same name during the period contained in this report.

On January 1, 1986, the Department of Labour and Manpower assumed responsibility for occupational health and safety matters when the new Occupational Health and Safety Act was proclaimed.

The Department is also responsible for industrial relations, labour standards, fire prevention and protection, and research. Fire prevention and protection are covered in the Annual Report of the Fire Marshal.

NEW LEGISLATION

The Occupational Health and Safety Act was proclaimed January 1, 1986, forming a new Occupational Health and Safety Division within the Department of Labour and Manpower.

The legislation consolidated all divisions in the Government of the Province of Nova Scotia that were responsible for occupational health and safety. They were the Occupational Safety Division of the Department of Labour and Manpower, the Occupational Health Division of the Department of Health, the Mine Safety Division of the Department of Mines and Energy, and the Accident Prevention Division of the Workers' Compensation Board.

The first annual report of the Occupational Health and Safety Division is contained in this publication.

OCCUPATIONAL HEALTH AND SAFETY DIVISION

The Occupational Health and Safety Division was formed in January 1, 1986, with the proclamation of the Occupational Health and Safety Act.

The new division was given responsibility for administering occupational health and safety legislation that affected workplaces that fall under provincial jurisdiction, in addition to:

- administering regulations pursuant to the Occupational Health and Safety Act,
- initiating and maintaining a comprehensive education program,
- developing new strategies, regulations, guidelines, codes, and hazard alerts to help prevent occupational related injuries and illnesses.

Annual reports of the Occupational Health and Accident Prevention sections deal with the period January 1, 1986, to March 31, 1986, when they became part of the Department of Labour and Manpower. The annual reports of the Occupational Safety Section and the Mine Safety Inspection and Mine Rescue Section cover the full fiscal period from April 1, 1985, to March 31, 1986.

OCCUPATIONAL SAFETY

The function of the Occupational Safety Section is to enforce the Occupational Health and Safety Act and thereby protect the safety and health of workers and the public.

That legislation also pertains to acts and regulations dealing with steam boilers, pressure vessels, refrigeration plants, welding procedures, industrial establishments, elevators and lifts, construction projects, and amusement devices. The section also has the responsibility of administering the Stationary Engineers Act and Regulations which control the certification of all power plants and stationary engineers in Nova Scotia.

The Occupational Safety Section applies regulations and safety codes in order to maintain safe conditions related to equipment, work, and installation of certain types of mechanical equipment. The experience gained by the application of codes of practice is periodically assessed to determine the need for improving the regulations; and a code of practice or a regulation may be modified. In all such cases a minimum acceptable safety standard must be the basis for any modification.

The Department of Labour and Manpower contributes to the development of codes and standards principally by its representation on committees of the Canadian Standards Association.

Inspections of elevating devices and boilers and pressure vessels were carried out on behalf of Labour Canada.

Industrial Safety Regulations

The Industrial Safety Act was repealed when the Occupational Health and Safety Act was proclaimed January 1, 1986. However the Industrial Safety Regulations remain and generally embrace establishments that are engaged in the manufacturing process or in assembly connected with the manufacture of goods or products, as well as the forest industry (which was included under the regulations in 1981). The regulations pertain to sanitation, personal protective equipment, use of tools, guarding of machinery, ventilation, first aid, electrical hazards, use and control of explosives and certification of blasters, and other hazards common to the manufacturing industry.

The Occupational Health and Safety Act requires that, as a general duty, an employer must keep his or her establishment in such a manner that the safety and health of persons in the establishment are not likely to be endangered. Inspectors appointed under the authority of the Act have the right of entry at reasonable times and, for the purposes of conducting an investigation, may administer an oath and summon any person to give evidence.

There were 54 noise, air, and light surveys conducted in co-operation with the Occupational Health Section which joined the Department on January 1, 1986. Directions issued as the consequences of any survey were made known to the affected parties, and the necessary corrective action was carried out. Twenty-seven stop-work orders were issued and complied with. Investigation was made of 88 complaints, which were resolved to the satisfaction of the employer and employees.

Fatal Accidents

1. A woman was killed when her right hand became caught between rollers at a beamer.
2. Two men were killed when two rails fell from a top tier.

Construction Safety Regulations

The Construction Safety Regulations are designed to protect the

safety and health of persons working in the construction industry. The regulations require that the constructor assume the overall responsibility for project safety. A sub-contractor has a responsibility for the safety of all persons on the part or parts of a "project" under his or her direct control.

A project is a place where the building, construction, improvement, repair, alteration, reconstruction, demolition, or excavation of any building structure, road, bridge, pipeline, wharf or marine structure, excavation, or tunnel is being carried out.

An inspector appointed under the authority of the Occupational Health and Safety Act may issue a stop-work order setting out that certain directions must be carried out within a specified time. A stop-work order may be issued for an entire project or any part of a project. Inspectors also have the right of entry and, for purposes of an investigation, may administer an oath or summon any person to give evidence.

Four companies were found to be in violation of the Construction Safety Regulations and were fined amounts varying from $300 to $1,000.

A total of eight stop-work orders were issued. In the majority of cases, unsafe conditions were attended to before the effective time and date of the stop-work order.

Steam Boiler and Pressure Vessel Act

The Steam Boiler and Pressure Vessel Act applies to steam boilers operating at a pressure in excess of 15 pounds per square inch, and to pressure vessels having an external pressure in excess of 15 pounds per square inch and having an inside diameter of more than six inches. The Act also applies to refrigerator plants having a capacity in excess of three tons in 24 hours. Boilers, pressure vessels, and refrigeration plants are initially inspected after installation and are subsequently inspected on a regular basis in order to check on conditions that bear upon the life and safe operation of the equipment.

Equipment subject to the Steam Boiler and Pressure Vessel Act is substantially constructed in accordance with the *Canadian Standards Association Code for the Construction and Inspection of Boilers and Pressure Vessels.* The inspection of equipment manufactured in Nova Scotia is carried out by a provincial inspector; equipment manufactured outside Nova Scotia and for use in the province is subject to inspection

by a recognized authority in the United States and Canada and is acceptable under the Act upon receipt of an affidavit from the manufacturer.

Welders engaged in boiler and pressure vessel construction or repair are tested under Section IX of the American Society of Mechanical Engineers' Code for welding qualifications. A total of 1,564 welders were tested during the fiscal year.

Elevators and Lifts Act

The Elevators and Lifts Act applies to the installation of elevating devices for the physically disabled, passenger and freight elevators, escalators, dumbwaiters, manlifts, and incline lifts such as ski-lifts and T-bars. The Act also applies to major and minor alterations to elevating equipment. The owners of elevators and lifts are required to have their equipment inspected at least once annually.

The latest edition of the *Canadian Standards Association Safety Code for Elevators, Dumbwaiters, and Escalators* is the standard that is followed by the inspectors in carrying out their duties under the Act and Regulations.

The Elevators and Lifts Act requires that no person shall commence a new installation or a major alteration of an elevator, dumbwaiter, escalator, manlift, or incline lift until the drawings and specifications have been approved by the chief inspector.

No owner of an elevator, dumbwaiter, escalator, manlift, or incline lift shall operate it or cause or permit it to be operated unless it is licensed under the Act.

Stationary Engineers Act

Please see the report of the Stationary Engineers Board on page 00.

Amusement Devices Safety Act

The Amusement Devices Safety Act provides for the inspection and licensing of amusement devices and temporary structures at carnivals, fairs, and amusement parks.

The legislation ensures that the equipment is designed, assembled,

dismantled, and operated in a manner that will guard against injuries to the general public.

In order to be operated, amusement equipment must be licensed. Licenses will be granted when a Certificate of Inspection has been issued and proof of financial responsibility has been provided to the Amusement Regulation Division, Department of Consumer Affairs. Financial responsibility means that insurance provisions have been made for persons injured or killed while in or about the equipment.

MINE SAFETY INSPECTION AND MINE RESCUE

The Mine Safety Inspection and Mine Rescue Section was transferred from the Department of Mines and Energy to the Occupational Health and Safety Division of the Department of Labour and Manpower on January 1, 1986.

The Mine Safety Inspection and Mine Rescue Section is responsible for the health and safety of employees in the mineral industry. Routine mine inspections are conducted under the authority of the Occupational Health and Safety Act, the Coal Mines Regulation Act, and the Metalliferous Mines and Quarries Regulations Act in all mines and quarries within the province except those mines operated by the Cape Breton Development Corporation (CBDC) where only mine rescue has been inspected by the Department.

Mine Safety Inspection

Mine Safety Inspection has a staff of eight working from regional offices in Stellarton, Glace Bay, and Springhill.

Mine Rescue

The Mine Rescue program is designed to promote the application of sound mine rescue principles:

- to protect those actively engaged in the work of recovery in time of emergency,
- to rescue people that may be trapped, and
- to rehabilitate the mine facilities.

The department has a fully equipped mine rescue station in Stellarton.

Monthly training sessions are conducted at all underground mines in the province except for Cape Breton Development Corporation (CBDC) mines where only monthly inspections have been made.

The mine rescue instructor conducts classes in mine rescue procedures at the College of Cape Breton and at the Technical University of Nova Scotia to supplement the students' training.

At the end of the year there were 136 active certified mine rescue persons.

Mine Rescue Competition

The annual Provincial Mine Rescue Competition was held under a new format at the Miners Forum, Glace Bay, on June 21 and 22, 1985. The new task-oriented competition followed the format set for the national competition. Seven teams competed in six different tasks (written, bench, first aid, firefighting, smoke room, and obstacle tasks). Each task put the teams through conditions that were as close to a real life emergency situation as possible.

Trophies were given for each task, and the overall trophy was won by a team from Lingan/Phalen (CBDC) who represented Nova Scotia in the national competition.

The first National Task-Oriented Mine Rescue Competition was held at the Miners Forum, Glace Bay, on September 20 and 21, 1985. Eight Canadian provincial and territorial teams participated to make it the largest National Mine Rescue Competition held in its 19-year history. Representatives participated from Newfoundland, Nova Scotia, New Brunswick, Saskatchewan, Alberta, British Columbia, Northwest Territories, and the Yukon. The overall winner was the team from Nova Scotia.

ACCIDENT PREVENTION SECTION

The Accident Prevention Section was moved to the Department of Labour and Manpower from the Workers' Compensation Board on December 16, 1985. It is responsible for all aspects of training Nova Scotia employers and workers who fall under the Occupational Health and Safety Act in occupational health and safety matters.

During the period of this report the section set up operations, became familiar with the Occupational Health and Safety Act, and revised educational material to be consistent with the change from the Workers' Compensation Board to the Department of Labour and Manpower.

The accident prevention officers remained in the field and began working on the division's priority of informing employers about the new Act, especially companies with 20 or more workers, which require Health and Safety Committees under the Act.

The section is made up of a director, secretary, six accident prevention officers, who are assigned specific territories, and a co-ordinator of student safety awareness.

Accident prevention officers meet with employers and workers throughout the province, providing a consultative service in accident prevention programming and conducting training programs on a wide variety of topics including: accident investigations, health and safety committees, entry into confined spaces, personal protective equipment, lifting, supervisor/worker responsibilities, hearing protection, and respiratory equipment.

The co-ordinator of student safety awareness deals with administrative personnel, instructors, and students in Nova Scotia's institutes of technology, adult vocational schools, vocational schools, and other schools in the academic system.

He serves as a consultant on occupational health and safety matters, organizes and conducts seminars and courses, and conducts occupational health and safety audits of all 19 vocational and technical training facilities in the province.

The co-ordinator also teaches an accident prevention course for third-year teachers at the Nova Scotia Teachers College as part of the N.S.T.C. summer school program.

OCCUPATIONAL HEALTH SECTION

As of January 1, 1986, the staff of the section, with the exception of Radiation Section personnel, was transferred from the Department of Health to the Occupational Health and Safety Division, Department of Labour and Manpower. This transfer did not change the Occupational Health Section's structure or advisory function.

Throughout the year the section continued to emphasize awareness of potential and actual hazards in the work environment with special stress placed on control and prevention. To achieve this, members of the section participated in educational training programs across the province and also provided consultation services in occupational health to industry, labour, other government departments, and private individuals.

Increasing awareness of occupational health considerations has resulted in an increase in requests for on-site investigations and requests for information. Current projections indicate the need for this type of service will expand in the future.

The programs of this section can be grouped under the following general headings: industrial hygiene and occupational nurse consultant.

Industrial Hygiene

A large proportion of the activities consisted of inspections and requests for evaluation of specific health hazards associated with exposures to chemicals and to physical agents in the work environment.

During this year a survey of municipalities was carried out to determine their compliance with code of practice on entry into sewer/manholes. Further follow-up is needed in this area.

Surveys of users of isocyanates have also been started to ensure that companies comply with guidelines for establishing operating procedures for use of isocyanate-containing materials. The surveys will be continued during 1986 until all establishments using isocyanates have been inspected.

During the year three provisional codes of practices for carrying out different types of work with asbestos have been prepared. A more detailed single code is still being worked on.

Occupational Health Nurse Consultant

The consultant has been active in promoting the development of new or improved occupational health services within industry through direct contact with industry-employed occupational health nurses, safety personnel, and physicians.

The consultant has also promoted control and prevention of actual

and potential health hazards at work through lectures to and talks with occupational health nurses and other interested groups. Her work has helped to publicize the role of the Occupational Health Section and has resulted in a number of requests from management and unions for evaluations of working conditions.

ADMINISTRATION AND ACCOUNTING DIVISION

The Administration and Accounting Division is the internal administration arm of the Department. Essentially, it is responsible for the preparation and control of budgets and appropriations, and the efficient and economical utilization of staff, space, and equipment in consultation with directors of the various divisions. The director recommends promotions, compensation, disciplinary action and terminations to the Deputy Minister after conferring with the directors concerned. The division co-ordinates the various administrative functions of the Department and acts as liaison with other departments of government, the Civil Service Commission, and the Auditor General.

RESEARCH DIVISION

The Research Division is responsible for developing labour information, specialized studies and forecasts to be used in the formation of legislation, programs, and administrative policies. Research is carried on both independently and in co-operation with the appropriate federal agencies.

During the period under review, work was carried out in the areas of industrial relations, wages, and conditions of work.

The results of this research were placed at the disposal of the Department, as well as labour, management, other government agencies, and the general public.

Library

The Department of Labour and Manpower library was established in 1970 to support the interests and activities of the Department. As of March 31, 1986, the library collection consisted of more than 2,400 titles (books and government documents) and approximately 375 periodical titles. Material in the library covers such areas as labour laws and legislation, labour research, economics, arbitration, collective bargaining, working conditions, labour relations, occupational safety, and related information. All publications produced by the Department are deposited in the library. The library provides services and information to all members of the Department, including its branch offices, staff from other government departments, and the general public. Acquisitions from April 1, 1985 to March 31, 1986 include 373 books and government documents and five serial publications.

Wages

During the 1985–86 reporting period, the annual publication *Wage Rates, Salaries, and Hours of Labour in Nova Scotia* was again released. It contains information on wages, salaries, and hours of labour in Nova Scotia. The data are compiled by industry, province, county, and urban area. Information on wage rates in the construction industry has been compiled and is available upon request.

Industrial Relations

All collective agreements on file with the Department are studied, and analyses of major provisions are coded and placed on computer. This

provides an immediate source of reference on all agreements.

During the fiscal year, *Labour Organizations in Nova Scotia, 1985* was published to supply labour, management, and the general public with an annually updated directory of labour unions and the names and addresses of the principal officials. Incorporated in the publication is information on union membership by area, industry, and congress affiliation.

In January 1986, the first issue of the *Collective Bargaining Review* was released. This publication encompasses information previously contained in the monthly reports *Collective Agreement Settlements in Nova Scotia* and *Monthly Summary of Activities—Industrial Relations Division, Labour Relations Board*, the quarterly publication *Wage Changes in Collective Agreement Settlements in Nova Scotia*, and two annual publications *Trends in Collective Agreement Settlement Wage Rate Changes in Nova Scotia* and *Trends in Collective Bargaining Settlements in Nova Scotia*. The *Collective Bargaining Review* contains monthly listings of collective agreement expirations, listings and summaries of collective agreement settlements, a list of negotiations in progress, work stoppage statistics, and summaries of arbitration awards.

The *Compendium of Grievance Arbitration Decisions, 1985* was released. The *Compendium* lists decisions that have been filed under grievance arbitration legislation provided for under the Nova Scotia Trade Union Act. The *Compendium* outlines the issues involved in a particular arbitration and summarizes the grievance being brought to arbitration and the arbitrator's award. Issues are indexed utilizing the Brown and Beatty standard.

INDUSTRIAL RELATIONS DIVISION

The Trade Union Act establishes the right of employees to organize and sets out the procedure for orderly collective bargaining. In an endeavour to encourage and promote harmonious labour-management relations, the Industrial Relations Division was set up to provide conciliation and mediation services impartially to both labour and management.

The Industrial Relations Division is charged with the administration of the Trade Union Act. Under the Act, the duties and functions of the division are many and varied.

CONCILIATION-MEDIATION

This includes the appointment of conciliation-mediation officers in labour-management disputes and the processing of conciliation board appointments and industrial inquiry commissions regarding negotiations for a renewal or revision of the agreement or the conclusion of a new collective agreement.

Conciliation

A total of 201 cases were dealt with at the conciliation officer level: 63 were in process April 1, 1985, and 138 were new cases. Of the total, 153 cases were settled at the officer level; two cases lapsed at the conciliation officer level; one case was withdrawn; two cases were referred to arbitration under provisions of the Teachers Collective Bargaining Act; one case was referred to voluntary arbitration; one case was referred to the Quebec Department of Labour; one case was referred to Labour Canada; and in one case the company was defunct. Two cases were referred to conciliation boards. Thirty-seven cases were left in process on March 31, 1986.

This compares with a total of 232 cases dealt with at the conciliation officer level during the 1984–85 fiscal period, of which seven cases lapsed; one case was withdrawn; one case was referred to arbitration under provisions of the Teachers Collective Bargaining Act; and in one case the company was defunct. One case was referred to a conciliation board and one case was referred to an industrial inquiry commission, and 157 cases were settled at the officer level leaving 63 cases in process March 31, 1985.

Conciliation Board Level

At the conciliation board level, there were no cases pending from the previous year. Two new conciliation boards were constituted and settled at the board level leaving no cases pending March 31, 1986.

This compares with the 1984–85 fiscal period; no cases were pending at the conciliation board level from the previous year. One new conciliation board was constituted and settled during the period.

Conciliation Boards

1. Glenview Lodge Limited	AND	Canadian Brotherhood of Railway, Transport & General Workers, Local 619–A
Chairman:		Judge J.A. MacLellan
Union Member:		G.J. Jollymore
Lodge Member:		Elmer Nickerson

Case Settled

2. Sydney Steel Corporation	AND	United Steelworkers of America, Local 1064
Chairman:		S. Bruce Outhouse
Union Member:		Lawrence McBrearty
Corporation Member:		David L. Parsons

Case Settled

Industrial Inquiry Commission Level

There were no cases pending at the industrial inquiry commission level from the 1984–85 fiscal period, and no new commissions were constituted, leaving no cases pending at the commission level March 31, 1986.

This compares with the previous report where there were no cases pending at the commission level from the 1983–84 fiscal period. One new industrial inquiry commission was constituted and settled at the commission level, leaving no cases pending March 31, 1985.

Mediation Level

No cases were referred to mediation during the 1985–86 fiscal period.

LABOUR RELATIONS BOARD

The Labour Relations Board and its Construction Industry Panel carry out functions related to the certification of trade unions, revocation or amendment of certification, and complaints related to jurisdictional disputes. The Board has numerous other functions including the investigation of alleged unfair labour practices and refusals to bargain.

Further information about the Board's activities during 1985–86 may be found in the Boards and Tribunals and the Statistics sections of this report.

LABOUR STANDARDS DIVISION

The function of the Labour Standards Division is to answer inquiries and complaints from the public about employment-related problems and to deal with those that are affected by the Labour Standards Code of this province. Investigations of specific employment situations are carried out, and, if the Labour Standard Code is not being adhered to, the staff of the division takes action to ensure compliance with the Code. The Labour Standards Division also fulfills an advisory role to the public on how the Labour Standards Code should be applied to certain situations.

The Labour Standards Code contains provisions for the setting of minimum wages in all industries and the setting of industrial standards rates for the trades in the construction industry. It prohibits the employment of persons under 14 years of age, unless certain conditions are met, and of persons under 16 years of age in certain industries. It requires employers to pay the same wage to female workers performing work that is substantially the same as that performed by male workers in the same establishment and requires that female employees who qualify be granted maternity leave. It requires employers to maintain certain information in their payroll records; it imposes the requirement that all employees receive vacation pay; it protects an employee's right to receive wages earned; it requires employers and employees to give notice of termination of employment; and it requires that employees who qualify receive pay for certain designated holidays throughout the year.

Any decisions rendered by the Labour Standards Division may be appealed to the Labour Standards Tribunal of Nova Scotia, which is established under the provisions of the Labour Standards Code and is empowered to make decisions concerning the application of the Code.

Labour Standards staff may, in the course of their duties, carry out routine inspections of an employer's payroll records as well as conduct investigations arising from specific complaints.

During the period April 1, 1985 to March 31, 1986, routine inspections under the Labour Standards legislation were made throughout the province on 40 establishments, employing 719 employees. As a result, 8 firms were found to be in violation, involving 71 employees.

During the same period, 1,475 firms were contacted on complaints, and 906 firms were found to be in violation.

Complaints were filed by 1,955 persons, and violations were found affecting 1,989 persons. A total of $403,441.82 was collected by the Labour Standards Division on behalf of these persons in situations where violations of the Code were found. These violations of the Code are outlined below.

Industrial Standards

Six trades in the construction industry in the City of Sydney, and seven in the Cities of Halifax and Dartmouth, come under the provisions of the Industrial Standards section of the Labour Standards Code.

The following rates were in effect in Halifax and Dartmouth at the end of the fiscal period:

Trade	Rate Per Hour
Carpentry trade	$5.05
Plumbing, steamfitting, and pipefitting trades	7.33
Labourers in Building Construction	5.80
Painting trades	
Brush	4.50
Spray	4.65
Plastering trades	6.38
Sheet Metal trade	7.33
Electrical trade	5.63
Charge Hand	5.78
Foreman	5.98

The following rates were in effect in Sydney at the end of the fiscal period:

Trade	Rate per Hour
Carpentry trade	5.95
Carpentry foreman	6.40
Electrical trade	
Industrial Manufacturing Construction Projects	
Journeyman	4.40
Charge hand	4.55
Foreman	4.70

Labourers	
Building construction	5.25
Non-working foreman	5.75
Jackhammer	5.60
Vibrators, compactors, tampers	5.40
Dynamite helper	5.75
Dynamite blaster	6.25
Concrete storm and sewer pipelayer	5.50
Job service truck	5.50
Creosote work	5.50
Cement finisher	5.85
Sandblaster (masonry & concrete)	5.75
Burner & Welder	5.75
Signalman	5.50
Painting trade	
Journeyman	5.35
Foreman	5.85
Plumbing & Pipefitting trades	
Journeyman	5.95
Foreman	6.40

These rates in all cases are for a regular work week of 40 hours.

During the fiscal period no violation was found involving this section of the Labour Standards Code.

Hours of Labour

One firm was found to be in violation of this section of the Labour Standards Code. As a result of an investigation, one person was paid $10.23 as wages.

Employment of Children

No violation involving this section of the Labour Standards Code was found.

Equal Pay

One firm was found to be in violation of this section of the Labour Standards Code, involving 15 employees. As a result of the investigation, 15 employees received a total of $16,347.78.

Maternity Leave

No violation involving this section of the Labour Standards Code was found.

Records

Two firms involving six persons were found to be in violation of this section of the Labour Standards Code. Management was instructed to keep proper records and agreed to comply.

Vacation Pay

Because the owners cannot be located, 951 vacation stamp books, one envelope containing vacation stamps, and 126 cheques were received. The books contain stamps to the value of $7,211.98, the envelope contains stamps to the value of $1.23, and the cheques total in value $922.49.

There were 637 firms found to be in violation of this section of the Labour Standards Code. As a result of the investigations, 934 persons received $138,526.24 as vacation pay. No settlement was reached involving 77 persons employed with 16 firms.

Minimum Wage

Twenty-seven firms were found to be in violation of this section of the Labour Standards Code. As a result of the investigations, 30 persons were paid $4,291.02 as wages by their employers or former employers. No settlement was reached involving one person employed with one firm.

Protection of Pay

There were 445 firms found to be in violation of this section of the Code. As a result of the investigations, 598 persons received $177,002.72 as wages. No settlement was reached on violations involving 85 persons employed with 22 firms.

Termination of Employment

It was found that 146 firms were in violation of this section of the Labour Standards Code. As a result of the investigations, 156 persons were paid $61,671.31 as wages in lieu of notice by their former employers.

No settlement was reached on violations involving two persons employed with two firms.

Holidays with Pay

Forty-eight firms were found to be in violation of this section of the Code, which resulted in $5,592.52 as holiday pay being paid to 88 persons by their employers. No settlement was reached on one violation involving one employee.

BOARDS AND TRIBUNALS

STATIONARY ENGINEERS BOARD

A part-time board of examiners reviews and assesses all applications and examinations of persons seeking certification under the provisions of the Stationary Engineers Act. The Stationary Engineers Board consists of a chairman plus four other members. The day-to-day operations related to the administration of the Act are carried out by a full-time staff.

A total of 673 applicants were examined within the province.

LABOUR RELATIONS BOARD

During the fiscal year April 1, 1985, to March 31, 1986, the Labour Relations Board (Nova Scotia) issued a total of 32 certification orders. Seven applications for amendment were granted while one was withdrawn.

During the period six certifications were revoked. Nine complaints of unfair labour practice were filed, with two violations found.

Under Section 29 of The Trade Union Act, the Board granted four applications of successor rights: one was dismissed and three were withdrawn.

Four complaints alleging illegal work stoppages under Section 49 of the Act resulted in two interim orders being issued.

CONSTRUCTION INDUSTRY PANEL OF THE LABOUR RELATIONS BOARD

Between April 1, 1985, and March 31, 1986, the Construction Industry Panel of the Labour Relations Board (Nova Scotia) granted 25 applications for certification and dismissed nine others.

Two complaints of unfair labour practice were filed with the Panel: one was dismissed, and a violation was found in the other.

Under Section 29 of the Trade Union Act, five applications for successor rights were filed: three were dismissed, and two were withdrawn.

Two complaints alleging jurisdictional disputes were filed, resulting in one interim order being issued and one complaint being dismissed.

During the period four certification orders were appealed, pursuant to Section 93 of the Act, with the Panel revoking three original orders while one appeal was withdrawn.

LABOUR STANDARDS TRIBUNAL

The Labour Standards Tribunal is a part-time body that hears complaints of failure to comply with the Labour Standards Code. The Code came into effect by proclamation on February 1, 1973.

Pursuant to the Code, complaints can be referred to the Tribunal by the Director of Labour Standards, and disputed by the employer who requests a hearing before the Tribunal. If the Director has found no violation of the Code that decision can be appealed by the complaint. If the Tribunal, upon hearing a complaint, finds wages due and owing, it will issue an order to pay against the employer. By a recent amendment to the Code, the Tribunal is deemed to hold a mortgage on the assets of the employer for the amount set out in the order. The mortgage takes priority over all other liens for wages due workmen and may be enforced by foreclosure proceedings.

A breakdown of the sections of the Code violated is shown below. A complaint may involve a violation of more than one section of the Code.

Violation	Total Complaints	Ordered to Pay	Dismissed	Settled	Withdrawn	No Hearing
Minimum wage	8	3	3	—	1	1
Protection of pay	20	11	4	—	—	5
Vacation pay	36	25	7	—	1	3
Termination of employment	21	9	5	3	2	2
Holiday pay	4	4	—	—	—	—
	89	52	19	3	4	11

Between the period of April 1, 1985, and March 31, 1986, the Tribunal issued orders to pay amounting to $24,522.72, which represented monies owed to 65 employees. During the same period a total of $16,947.15 was collected in settlement of the above orders affecting 40 employees. Monies were also collected amounting to $15,401.06 during the period, representing payment of Tribunal orders which were issued in previous fiscal years.

MINIMUM WAGE BOARD

The Nova Scotia Minimum Wage Board was appointed July 1, 1964, under the provisions of the Minimum Wage Act.

The Board, under Chairman John MacIntyre, met on several occasions during the year and heard submissions from individuals and organizations on matters within its jurisdiction. The following orders were in effect at the end of the period under review:

Minimum Wage Orders

These rates are for 48 working hours per week. Provisions are set out in the order for overtime, for workers on piece work and for deductions for board and lodging. All time during which an employee is required to wait for work on the employer's premises shall be counted as working time.

Minimum Wage Rates for Experienced Adult Workers

General Order, Beauty Parlour Order, Road Building and Heavy Construction Order, Logging and Forestry Order*:

Rate per Hour	Effective
$4.00	January 1, 1985

* Logging and Forestry Order: As of January 1, 1985, persons with no fixed work week — $775.00 per month.

Minimum Wage Rate for Workers under 18 years

General Order:

Rate per Hour	Effective
$3.55	January 1, 1985

Minimum Wage Rates for Inexperienced Workers

General Order:

Rate per Hour	Effective
$3.55	January 1, 1985

Beauty Parlour Order:

Rates per Hour		Effective
$2.85	1st three months	January 1, 1985
$3.20	2nd three months	January 1, 1985
$3.55	3rd three months	January 1, 1985

STATISTICS

Occupational Health and Safety Division

Inspections—Industrial Safety Regulations
Directions Issued—Industrial Safety Regulations
Inspections—Construction Safety Regulations
Directions Issued—Construction Safety Regulations
Inspections—Steam Boiler and Pressure Vessel Act
Related Services—Steam Boiler and Pressure Vessel Act
Inspections—Elevators and Lifts Act
Inspections—Amusement Devices Safety Act
Certificates Issued—Stationary Engineers Act
Inspections Statistics—Mine Safety Inspection
Certificates Issued—Coal Mines Regulations Act

Industrial Relations Division

Summary of Activities—Conciliation Officer Level, Conciliation Boards, Industrial Inquiry Commissions, Mediation Cases
Summary of Activities—Labour Relations Board and Construction Industry Panel
Legal and Unofficial Work Stoppages in Nova Scotia, April 1, 1985, to March 31, 1986

OCCUPATIONAL HEALTH AND SAFETY DIVISION

Inspections—Industrial Safety Regulations
Year Ending March 31, 1986

General inspections	676
Re-inspections	53
Field interviews	273
Accidents reviewed with employer	106
TOTAL INSPECTIONS	1,008
Stop-work orders	27

Directions Issued—Industrial Safety Regulations
Year Ending March 31, 1986

Sanitation	6
Ventilation	6
Lighting	4
Machine guarding	162
Personal protective equipment	289
First aid facilities	14
Housekeeping	48
Fire protection	28
Electrical	47
Miscellaneous	149
TOTAL	753

Inspections—Construction Safety Regulations
Year Ending March 31, 1986

General contractor	2,085
Sub-contractor	136
Accidents investigated	28
TOTAL INSPECTIONS	2,249
Stop-work orders	8
Prosecutions	4

Directions Issued—Construction Safety Regulations
Year Ending March 31, 1986

Access to work place	77
Bins and hoppers	—
Bracing and supports	5
Compressed air	—
Construction equipment	1
Demolition	1
Electrical Supply	87
Excavations	94
Explosive Tools	3
Explosives	21
Fencing and barricades	13
Fire protection	30
First aid	87
Flooring	16
Formwork	2
Guarding machinery	2
Guardrails and openings	181
Hand tools	8
Handling materials	3
Hoists—workmen	2
Hoists—material	5
Housekeeping	173
Ladders	93
Personal protection	263
Pile-driving	1
Platforms, runways and ramps	20
Portable power tools	1
Power-driven cranes, shovels	8
Repairs to machinery	2
Sanitation	37
Scaffolds	249
Stairs	30
Tank and vessels	—
Temporary heat	—
Ventilation of excavations	—
Welding and burning	6
Wharves and docks	2
Woodworking	—
Working over water	15
TOTAL	1,538

Inspections—Steam Boiler and Pressure Vessel Act
Year Ending March 31, 1986

General inspections	365
External inspections	1,112
Inspections of new installations	163
Shop inspections of constructions	19
Plant inspections	202
Piping	68
Hydrostatic tests	152
Refrigeration plants	102
Safety valves tested	150
Removed from service—boilers	—
Removed from service—pressure vessels	3
Accident investigations	—
TOTAL INSPECTIONS	2,336

Related Services—Steam Boiler and Pressure Vessel Act
Year Ending March 31, 1986

X-rays examined	984
Survey and registration of drawings	349
Reports processed from insurance companies	1,312
Welding tests	1,574

Inspections—Elevators and Lifts Act
Year Ending March 31, 1986

Annual inspections—department	1,413
Inspections—new installations	94
Inspections—major alterations	3
Equipment removed from service	12
Accidents investigated	19
Inspection of personnel hoists	9
Inspection of material hoists	7

Inspections—Amusement Devices Safety Act
Year Ending March 31, 1986

Initial inspections	79
Re-inspection	335
Surveys of equipment	1

TOTAL INSPECTIONS	415

Certificates Issued—Stationary Engineers Act
Year Ending March 31, 1986

Stationary Engineer—First Class (S)*	8
Stationary Engineer—Second Class (S)	29
Stationary Engineer—Third Class (S)	42
Stationary Engineer—Fourth Class (S)	134
Stationary Engineer—First Class	1
Stationary Engineer—Second Class	—
Stationary Engineer—Third Class	—
Stationary Engineer—Fourth Class	—
Stationary Engineer—Refrigeration Plant—First Class	11
Stationary Engineer—Refrigeration Plant—Second Class	62
Stationary Engineer—Compressor Plant—First Class	3
Stationary Engineer—Compressor Plant—Second Class	10
Stationary Engineer—Hoisting Plant	30
Stationary Engineer—Surcharged	3
TOTAL	333

*(S) denotes Standardized Examination.

Mine Safety Inspection Statistics 1985–1986

Total inspections	394
Total number of infractions	291
Mine rescue station inspections	41
Mine rescue classes conducted	21
Reportable accidents	78
First aid classes	4
Fatalities	0

Examination Results for Certificates under the Coal Mines Regulations Act

Categories	Passed	Failed	Total
Manager	3	1	4
Underground Manager	3	0	3
Supervisor	8	1	9
Mine Examiner	8	1	9
Hoist Operator	7	0	7
Mine Electrician First Class	16	0	16
Mine Mechanics First Class	11	0	11
Console Operator	10	0	10
TOTAL	66	3	69

Summary of Other Certificates Issued by the Board of Examiners

First Class Miner	57
Mine Rescue	21
First Aid	77

INDUSTRIAL RELATIONS DIVISION

Summary of Activities
April 1, 1985–March 31, 1986

Conciliation Officer Level

In process April 1, 1985	63
New during period	138
TOTAL	201
Settled at officer level	153
Referred to conciliation board	2
Conciliation lapsed	2
Conciliation withdrawn	1
Referred to arbitration—Teachers Collective Bargaining Act	2
Referred to Quebec Department of Labour	1
Referred to Labour Canada	1
Company defunct	1
Referred to voluntary arbitration	1
In process March 31, 1986	37
TOTAL NUMBER OF CASES AT OFFICER LEVEL	201

Conciliation Boards

In process April 1, 1985	0
New during period	2
TOTAL	2
Settled during period	2
In process March 31, 1986	0
TOTAL NUMBER OF CASES AT BOARD LEVEL	2

Industrial Inquiry Commissions

In process April 1, 1985	0
In process March 31, 1986	0
TOTAL NUMBER OF CASES AT COMMISSION LEVEL	0

Mediation Cases

In process April 1, 1985	0
In process March 31, 1986	0
TOTAL NUMBER OF CASES AT MEDIATION LEVEL	0

LABOUR RELATIONS BOARD AND CONSTRUCTION INDUSTRY PANEL SUMMARY OF ACTIVITIES

	1985–86	1984–85	1985–86	1984–85
Application for Certification				
Granted	19	33	25	27
Dismissed	10	10	9	6
Withdrawn	3	—	—	1
Application for Amendment Orders				
Amended	7	8	1	—
Varied	—	—	—	—
Dismissed	—	4	—	—
Withdrawn	1	5	—	—
Confirmed	—	—	—	—
Application for Revocation of Certification				
Revoked	6	1	—	—
Dismissed	—	—	—	—
Withdrawn	1	—	—	—
Complaints of Unfair Labour Practice				
Violation found	2	1	1	1
Dismissed	4	1	—	—
Withdrawn	5	10	1	2
Complaints, Failure to Negotiate, Section 33(a)				
Violation found	—	3	—	—
Dismissed	1	2	—	—
Withdrawn	1	1	—	1
Complaints re Collective Bargaining, Section 33(b)				
Violation found	—	—	—	—
Dismissed	—	2	—	—
Withdrawn	4	2	—	—

	1985–86	1984–85	1985–86	1984–85
Application for Reconsideration of Board or Panel				
Granted	—	—	—	2
Dismissed	—	—	—	5
Withdrawn	2	—	—	—
Application for Declaration of Successor Rights, Section 29				
Granted	4	—	—	5
Dismissed	1	3	3	1
Withdrawn	3	—	2	—
Application for Declaration of Successor Rights, Section 30				
Granted	—	2	—	—
Dismissed	—	—	—	—
Withdrawn	—	—	—	—
Complaints Alleging Illegal Work Stoppage				
Interim order	2	—	—	—
Dismissed	1	1	—	—
Withdrawn	—	—	—	—
Settled at officer level	1	1	—	—
Complaints Alleging Jurisdictional Disputes, Section 50				
Interim order	—	—	1	4
Dismissed	—	—	1	1
Withdrawn	—	—	—	—
Confirming order	—	—	—	—

	1985–86	1984–85	1985–86	1984–85
Application for Reconsideration of Panel, Section 93				
Confirmed	—	—	—	2
Revoked	—	—	3	1
Withdrawn	—	—	1	1
Cases Lapsed	6	1	—	—

Legal and Unofficial Work Stoppages in Nova Scotia April 1, 1985 to March 31, 1986

	Work Stoppages			Person–Days Lost		
	Legal	Unofficial	Total	Legal	Unofficial	Total
Industry						
Service	20	3	23	17,713	190	17,903
Public administration	1	—	1	250	—	250
Trade	2	—	2	1,160	—	1,160
Manufacturing	6	1	7	38,436	16	38,452
Duration						
1 day or less	—	2	2	—	28	28
2–6 days	8	2	10	1,960	178	2,138
7 or more	21	—	21	55,599	—	55,599
No. of workers						
50 or less	17	3	20	8,033	57	8,090
51–200	10	1	11	41,724	149	41,873
201–400	2	—	2	7,802	—	7,802
Person–Days Lost						
50 or less	1	3	4	20	57	77
51–200	6	1	7	622	149	771
201–500	5	—	5	1,535	—	1,535
501 or more	17	—	17	55,382	—	55,382